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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11 **EASTERN DIVISION**

12 DANIELLE GAMINO, individually and
13 on behalf of all others similarly situated,

14 *Plaintiff,*

15 v.

16 KPC HEALTHCARE HOLDINGS, INC.,
17 *et al.,*

18 *Defendants,*

19 and

20 KPC HEALTHCARE, INC. EMPLOYEE
21 STOCK OWNERSHIP PLAN,

22 *Nominal Defendant*

Case No.: 5:20-cv-01126-SB-SHK

**PLAINTIFF’S NOTICE OF
MOTION AND UNOPPOSED
MOTION FOR PRELIMINARY
APPROVAL OF SETTLEMENT
WITH DEFENDANT SPCP
GROUP, LLC**

Hon. Stanley Blumenfeld, Jr.

Date: July 7, 2023

Time: 8:30 a.m.

Courtroom: 6C

1 Notice is hereby given that, on July 7, 2023, at 8:30 a.m. or as soon
2 thereafter as counsel may be heard before Hon. Stanley Blumenfeld, Jr. in
3 Courtroom 6C of the United States Courthouse, 350 W 1st St., Los Angeles,
4 California, Plaintiff will and hereby does move the Court for an order under Rule
5 23 of the Federal Rules of Civil Procedure:

6 1. Preliminarily approving the Class Action Settlement Agreement
7 between Plaintiff on behalf of the Class and SPCP Group, LLC (“SPCP”) attached
8 as Exhibit 1 to the Declaration of R. Joseph Barton;

9 2. Approving the proposed Class Notice attached as Exhibit 2 to the
10 Declaration of R. Joseph Barton as to form and content and approving the plan for
11 dissemination of notice to the Class by first class U.S. mail or email, if available,
12 as satisfying the requirements of Rule 23(c)(2) and (e)(1);

13 3. Preliminarily approving the proposed Plan of Allocation attached as
14 Exhibit 3 to the Declaration of R. Joseph Barton;

15 4. Modifying the definition of the previously certified Class to specify a
16 Class period end date of August 31, 2021; and

17 5. Appointing CPT Group as the Settlement Administrator for this
18 Settlement;

19 6. Setting dates and deadlines under Rule 23(d) and (e) of the Federal
20 Rules of Civil Procedure for the Court to evaluate whether to grant final approval
21 to the Settlement (after distribution of the proposed Class Notice to the Class and
22 submission of any objections to the Settlement) and to evaluate Class Counsel’s
23 request for reimbursement of litigation expenses:

Event	Proposed Deadline/Date
Settlement Administrator to provide notice to the Class	14 days following entry of preliminary approval
Class Counsel to file Motion for Reimbursement of Expenses	45 days after entry of preliminary approval
Class Members to file any objections to the Settlement	45 days after Class Notice is sent
Class Counsel to file Motion for Final Approval	At least 14 days after the deadline for Class Members to object
Final Approval/Fairness Hearing	100 days after motion for preliminary approval was filed.

This motion is based on this Notice of Motion, the Memorandum of Law submitted herewith, the Declaration of R. Joseph Barton submitted in support of the motion and exhibits attached thereto, and the pleadings and papers on file in this action.

SPCP does not oppose the relief sought by this motion. Defendant Alerus Financial, N.A. (“Alerus”) and the KPC Defendants (consisting of all Defendants except Alerus and SPCP) are no longer parties to this action. *See* ECF No. 419.

1 Dated: June 5, 2023

2 /s/ R. Joseph Barton

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Certificate of Service

I certify that on May 31, 2023, I filed the foregoing Notice of Motion and Unopposed Motion for Preliminary Approval with the Court’s electronic filing system, by operation of which it was served on the following persons:

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